2017
HUMAN RIGHTS
AGENDA FOR ARGENTINA
ARGENTINA

TOPICS

GENDER VIOLENCE
After #NiUnaMenos demonstrations, the UN visited Argentina and warned about the lack of concrete actions to prevent gender violence.

WOMEN AND GIRLS HEALTH
Legal abortion is not implemented throughout the national territory. Belén, a 25-year-old woman, was detained for more than two years after suffering a miscarriage. The decriminalization of abortion is not discussed in Congress.

TORTURE
Argentina does not have a National Registry on torture. Despite its sanction in 2013, the National Mechanism for the Prevention of Torture is not implemented. If it were implemented, it’d contribute to monitor the intramural reality.

FOREIGN POLICY ON HUMAN RIGHTS
During 2016, Argentina was subjected to 4 examinations of the UN regarding human rights. Argentina approved none.

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SOCIAL PROTEST
Criminalization of the social protest has been used as a silencing tool. Milagro Sala has been arbitrarily detained for over a year.

GENDER VIOLENCE
After #NiUnaMenos demonstrations, the UN visited Argentina and warned about the lack of concrete actions to prevent gender violence.

MEMORY, TRUTH, JUSTICE AND COMPENSATION
The UN warned Argentina about the adoption of regressive policies in areas of human rights protection, in institutions dedicated to the process of memory, truth and justice.

GENDER PARITY
Women are relegated in public power spaces. Equality between gender is achieved through actions, not promises. None of the projects on parity discussed in the National Congress were approved.

MIGRANTS AND REFUGEES
Given Argentina’s commitment to receive 3,000 Syrian refugees, it is imperative to have a local integration program for families.

INDIGENOUS PEOPLE
The struggle of the indigenous people is not a crime. The stigmatization and persecution to the Mapuche people had its peak of tension in the violent repression to the community Lof Cushamen.

WOMEN AND GIRLS HEALTH
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Amnesty International is a global movement of people campaigning for a world where human rights are recognized, respected and protected. Moved by the outrage provoked by human rights abuse, but also hoping for a better world, we work to improve human rights through our campaigning activities and international support.

Membership and supporters of our organization influence governments, political groups, businesses and intergovernmental organizations. Activists talk about human rights issues using not only the media and other channels to disseminate information, but also calling upon public opinion through street protests and direct support.

Combining our accurate research with our independence from any government, political ideology, economic interest or religion, we have made activism one of our hallmarks. Amnesty International offices carry out activities in each country, building relations with the authorities, supporting and coordinating the work of their activists, and taking care of its members.

Our International Secretariat - with a London-based office and regional offices in different cities of Africa, Latin America, Asia, Europe and the Middle East - coordinates our worldwide research on human rights violations, following up on international laws and treaties affecting these rights. It also designs global campaigns and priority actions. The highest authority is the General Secretary. The position is currently held by Salil Shetty.

Amnesty International is a democratic and independent movement. This means that its members decide what issues to tackle and the way to do it through its annual general assembly and its governmental bodies without any kind of limitations.
2016 was a difficult year for human rights protection around the world. Conflicts marked by complete disdain and indifference to people’s security flared up in many countries, including Syria, Iraq, Yemen and South Sudan. In a time in which we would have needed the best from the world leaders, international diplomacy and United Nations policies did not reach agreements to improve the different situations linked to human rights, mostly concerning refugees. Closed frontiers were the prevailing answer to the worst global refugee crisis that the world has faced in seventy years. Human rights defenders in every continent faced restrictions, threats and violence, simply by defending their rights and calling upon the need to respect the rule of law in different countries around the world. Latin America witnessed a significant human rights setback across almost all of the continent, led by Venezuela. In addition, human rights were attacked in elections and high-profile referendums (for example, in countries like the United States of America, the United Kingdom and Hungary), where politicians praised fear, racism, xenophobia, misogyny, homophobia and transphobia.

More than ever, the current context demonstrates that democratic governments need an analytic human rights agenda, both in their own countries and abroad.

In June 2015, Amnesty International presented a proposal inviting Argentina’s shortlisted presidential candidates at that time to commit themselves to a human rights agenda for 2016-2019. Our organization created an agenda focusing on 9 human rights issues that we considered to be the most sensitive and essential ones needed in a future governmental program.

In the past, Argentina has shown strength in terms of its human rights agenda, as well as its strengthening of regional and international mechanisms. The State must show the same commitment to assure real progress at a national level. Although the country has a federal structure, the State must comply with the rules and decisions of international human rights law in all of its territory, and local legal regulations cannot be used as non-compliance excuses.

During these past years, Amnesty International has frequently pointed out a growing concern about the protection and promotion of human rights in Argentina. This has included a sharp rise in gender violence through an increased number of femicides; the criminalization of sexual and reproductive rights; an increase in obstacles to the access of legal abortions; the social exclusion of indigenous people and the lack of legal recognition of their territories; regressive proposals to regulate social protest and the recent criminalization of human rights defenders; the lack of investigation of torture and abuse incidents and the implementation of effective measures, such as the National Mechanism of the Prevention of Torture; regressive initiatives regarding the migrant population and

1 Vienna Convention on the Law of Treaties, Articles 27 and 29.
the lack of a local integration policy for migrants and refugees; the lack of elucidation of the attack to AMIA headquarters in 1994, among others.

Our organization welcomed President Mauricio Macri’s statements on the commitment of his government to respect the rule of law and human rights. He commented on the situation in Venezuela when he was elected President, and then he made other similar statements again during the visits of President Hollande, President Obama and Canadian Prime Minister Trudeau.

This document highlights our new government’s opportunities to reverse their decline in human rights work and move forward with long-needed reforms, in order to guarantee human rights nationwide.
Amnesty International’s worldwide experience indicates that when a government really wants to change the prevailing culture of human rights abuse and impunity, it must show that it’s ready to make this a truly top political priority, and will not only engage in more rhetoric about international commitments to human rights. A government concerned with human rights must clearly state that public servants should prioritize their fight for them. Moreover, it must show in practice that human rights are a cross axis in the design, implementation and monitoring of public policy.

This document introduces some of the concerns of our institution and, at the same time, shares a series of recommendations aimed at reaching both a sound human rights agenda and improving the future of our country.

### Areas with challenges and opportunities for the National Government

- Migrants and Refugees
- Native People and Territory
- Freedom of speech, Right to Assembly / Social Protest
- Gender Violence
- Gender Parity, Equality and Non-Discrimination
- Women and Girl’s Health
- Torture and other cruel, inhuman or degrading treatment
- Memory, Truth, Justice and Compensation
- Foreign policy on Human Rights
1. Migrants

People migrate for diverse and complex reasons, where the limit between voluntary and compulsory are vague and changing in time. Regardless of how different regulations define the reasons to migrate, and even with different levels of intensity, the right to protect affects every migrant person and obligates every State to help.

The enactment of the Migration Act (Law 25871) in 2004 significantly modified the legal situation of migrant people living in Argentina. Created with a human rights perspective, the law states that there is a right to migrate and assures access to a set of fundamental rights (health, education, justice, welfare) to every resident regardless of their migratory status (arts. 6, 7 and 8).

Law 25871 also gives the State the obligation of informing migrant people about their rights, and promoting their integration into society. This is a core obligation, since it transects several public offices in every jurisdiction (national, provincial and municipal). All must participate as facilitators to grant migrant people access to specific rights, such as health, education, welfare, etc.

In spite of very welcomed modifications in the legal framework and institutional work, the experience of several governmental and civil organizations in the field showed persistent situations that remain damaging to migrant people’s rights. Most of the time, these restrictions to the access of rights are not a consequence of discriminatory rule, but rather a force of habit from certain institutional and administrative practices that are not consistent in letter or spirit with the new rule.

Among the challenges facing an effective access to rights, migrant organizations highlighted a difficulty in accessing public social security systems, particularly those related to non-contributory and welfare pensions. This is because there are different benefits in different jurisdictional levels (such as the eligibility requirement of fixed times of residence for foreign persons). This also creates barriers to healthcare due to lack of awareness or compliance of hospital administrators and employees, who demand improper proofs or documents to make an appointment for a study or a visit to the doctor’s office, or to deliver medicines. Migrant organizations also point out historical debts related to the access of justice: the non-guaranteed review of administrative decisions, as well as denial to a public and free defense with an interpreter.

Since 2013, a territorial approach migratory regularization program drew mobile operations to remote sites with big migrant populations in order to make migratory procedures easier. This program provided migrants with advice, and an easy way to schedule appointments for the procedures they needed. This initiative met the demands of the core principle of the Migrations Act, which is migratory regularization. The territorial approach program was then cancelled in 2016, stripping away the rights of migrants.
This past year, the National Migratory Bureau (Dirección Nacional de Migraciones, DNM) strengthened their permanency control operations, which verified the migratory situation and migratory compliance in case of irregularities. These operations have a completely different logic than the territorial approach.

According to the information provided by Universidad Nacional de Lanús to the DNM, expulsion decisions increased in 2016. There were 1760 expulsions in 2014, 1908 in 2015 and 3258 expulsions in 2016 as of September.

In August 2016, the DNM and the Ministry of Security of Argentina announced the creation of a detention center to provide accommodation to migrants. This does not comply with current migratory regulations. Amnesty International and several organizations, universities and celebrities expressed their concern about this initiative. Amnesty discourages the routine detention of foreign people as a migratory control tool. Every individual, including migrants and asylum applicants, has the right to freedom and free circulation, and to be protected against arbitrary detention and confinement. Therefore, Amnesty International observes the negative impact of migration related detentions on human rights and opposes the use of detention as a form of punishment or as a deterrent, rather than tackling the causes of irregular migration. The detention center has not been opened at the time this document was finished.

In their recently published Final Observations, the Committee for the Elimination of Racial Discrimination (CERD) showed its concern about the following: a) migrant discrimination, particularly in relation to the Senegalese and Dominican communities, and especially with women and individuals with irregular status; b) increase of expulsion decisions; c) cutback of regularization policies and additional requirements for the regularization of migrants from countries outside Mercosur; and d) validity of rules that grants access to basic rights differently. Moreover, the plans to create a migrant detention center generated concern for CERD “because it can lead to detention not being used as the last option”. Last, the Committee regretted “the lack of statistical data about detention of foreign people and the absence of a fluent and regular dialogue with migrant associations (arts. 1, 2 and 5)”.

Therefore, the Committee recommended that the Argentine State promote “the full participation and integration of migrants in the State Party and the respect of their rights, as well as it refrains from the introduction of rules and practices that represent a clear relapse of the current legal framework”. Regarding the creation of a detention center for migrants, the Committee recommended that Argentina “consider alternative measures to the unlawful imprisonment of migrants with irregular status, resorting to detention only as the last option, while guaranteeing that this is reasonable, necessary, proportioned.

2 UN, CERD, Final observations on Argentina, CERD/C/ARG/CO/21-23, 2016, Para. 33.
3 Ibid.
4 Ibid.
5 UN, CERD, Final observations on Argentina, CERD/C/ARG/CO/21-23, 2016, Para. 34.
and for the minimum period of time."

On January 30, 2017, the government issued decree 70/2017, which amended Act 25,871. This decree created regressive policies that introduced impediments to admission and the residence of migrants in the country; accelerated expulsion procedures by limiting individuals’ right to defense; eliminated the family unit as a condition to avoid expulsion; and restricted access to the Argentine nationality.

Unlike the legitimacy conquered by the Migration Act, which covered a broad debate and had a large consensus at local and global levels, the use of necessity and urgency in this decree settled had a different result. This act restricted human rights contained in the Constitution and bypassed parliamentary discussion. The hardening of laws via the decree is not how the country should generate a change that should be debated in the Congress of the nation.

The modification proposed by the government is inscribed in the framework of rhetoric and political on security that reduced the phenomenon of migration to a debate on national security, and that conflated the migrant with a criminal. Linking crime with migration encourages and feeds xenophobia, discrimination and violence against migrants.

Moreover, biased information is used to argue for the reform. The participation of migrants in the total number of crimes is not significant: less than 6% of the prison population is foreign. According to official data, the total number of persons arrested for drugs in the country corresponds to a total of 1426 people - 83% of which are Argentine and only 17% of which are foreign. This is only 0.06% of the total migrant population in the country (SNEEP 2015).

It is also striking that these policies were developed while the Ministry of Foreign Affairs and the political declaration presented at the Punta Cana summit of CELAC (Latin American and Caribbean Community) on January 25, 2017, shared a different regional commitment. There, the Argentine State adhered to "the decision by some Governments to eliminate discriminatory and selective immigration policies affecting migration in the region, as well as urged the elimination of mechanisms of this nature in accordance with the special Declaration on migration and development" (para. 50). In that document it is affirmed the "integral vision of international migration based on a human rights approach that rejects the criminalization of irregular migration, as well as all forms of racism, xenophobia and discrimination against migrants, and that recognizes the contributions

6 Ibid.
of migrants to their countries of origin as well as their destination, and (...) promotes regular, safe and orderly migration*(para. 48)*.

It is imperative to remember that the Mercosur States have promoted respect, dialogue and integration between Nations. In that space, work has even begun on a plan for the preparation of the Status of Citizenship* (Decision CMC N° 64/10), in which there are fundamental objectives: the implementation of a policy of free movement of persons in the region; equality of rights and civil, social, cultural and economic freedoms for nationals of the Mercosur States; and equality of access to work, health and education. Reforms and public announcements against immigrants are not in accordance with Mercosur’s spirit of respect and integration.

1.2. Refugees

Currently, there are 20 million refugees worldwide. The vast majority (86% according to the Office of the United Nations High Commissioner for Refugees, UNHCR) are located in low and medium income countries, whereas many of the world’s richest countries are admitting few refugees and doing little for them. This situation is inherently unfair and diminishes the human rights of the refugees.

The UNHCR believes that more than a million refugees are vulnerable, and urgently need to be relocated to other countries. Among the vulnerable refugee populations are torture and violence survivors, at-risk women and girls, and persons with serious medical needs. Only 30 countries offer relocating sites for vulnerable refugees, and the number of sites offered each year is far below the needs identified by UNHCR.

Argentina is a Member of the 1951 Convention on the Status of Refugees and its 1967 Protocol. The national legal framework for asylum applicants and refugees is made up of the 2006 Refugee Act (Law 26165), which is still not regulated, and that established a National Refugee Commission (CONARE for its acronym in spanish) responsible for asylum application decisions and sustainable solutions for refugees. At this time, there are 4000 refugees and 1000 asylum applicants from more than 65 countries living in Argentina.

Following the 2004 "Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America", Argentina established a Solidarity Resettlement Program. Between 2005 and 2014, approximately 1151 refugees, mostly Colombians, were resettled from Ecuador and Costa Rica to the five Southern Cone countries. Argentina resettled 249 refugees. However, this program was suspended in 2014.

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In December 2015, the UNHCR published the Evaluation of Resettlement Programs in Argentina, Brazil, Chile, Paraguay and Uruguay. This document identifies important problems surrounding Argentina’s 249 resettled refugees, especially in relation to their access to fundamental rights such as housing, employment, and cost of living.

Argentina must assume responsibility for this Global Crisis, but responsibly, by strengthening those aspects highlighted in UNHCR’s evaluation.

In 2014, Argentina established the Special Humanitarian Visa Program for Foreigners in response to the conflict in Syria (hereinafter referred to as the "Syria Program"). The Syria Program is a privately funded initiative which aims to facilitate the legal admittance of Syrian nationals, as well as Palestinians, and their relatives in Argentina. The individuals must be Syrian residents and must have received assistance from the UNRWA (United Nations Relief and Works Agency for Palestine in the Near East).

Since the adoption of the Syria Program in October 2014, more than 250 humanitarian visas have been issued to facilitate the arrival of persons affected by the conflict in Syria.

Recently, the Argentinian Government announced its willingness to welcome 3000 Syrian citizens, offering priority to families with kids. However, Argentina neither has a resettlement program, nor a local integration program.

Argentina must translate this public announcement into specific actions to welcome refugees and guarantee their local integration.

**Recommendations**

1. Guarantee the effective compliance and implementation of Law 25871 and its regulations related to the access of rights for migrant people in the national territory.

2. Assure access to fundamental rights for every foreign person living in Argentina, regardless of their migratory status.

3. Guarantee the admission of every migrant person to the country with the same conditions, without any discrimination based on origin or nationality.

4. Promote social integration policies and policies against xenophobia.

5. Reinstate the Territorial Approach Program.

6. Guarantee due process and effective access to justice for migrants and refugees.

7. Develop a local integration program for refugees.
2.1. Land and Territory

The Constitution of Argentina and other national laws, such as the ratification of many fundamental international instruments such as the International Labor Organization (ILO) Convention 169 and the adoption of the United Nations Declaration on the Rights of Indigenous People, have recognized the human rights of indigenous people: the right to territory and natural resources, the right to self-determination, the right to decide their own development priorities and the right to have their customs and traditions respected.

Nevertheless, in practice, indigenous people still face obstacles in their claim for rights, especially surrounding the control of their territory and natural resources. As the Special Rapporteur on the rights of indigenous people, James Anaya, said after his visit to Argentina, even though there are a significant number of laws and national and provincial programs about indigenous people, “there remains a significant gap, however, between the established regulatory framework on indigenous issues and its actual implementation”.

The majority of indigenous communities in Argentina do not have the “legal recognition of their lands in accordance with their use and traditional occupation” and this comes from the stripping of large tracts of their land by ranchers and by the operations of farming, oil and mining companies, or from the overlapping of national parks and protected areas with indigenous land.

Amnesty International has compiled more than 250 existing cases in Argentina where indigenous communities demand compliance from governments (at municipal, provincial and national levels), companies (farming, mining, oil and tourism, among others), and both judges and prosecutors of the Judiciary Branch who ignore the current legislation. However, these figures represent the subjugation of indigenous rights in Argentina: unpunished murders, a work sector (surface mining, oil, lithium, agroforestry, etc.) that infringes on rights, a lack of recognition of the territory, violent evictions, criminalization, a lack of access to basic rights such as health, food, housing and water, and preventable deaths.

11 Even though the Declaration does not create a new right in the international law, it’s the most complete instrument about indigenous people. In spite of being a treaty with no ratification of the States, it was adopted by an overwhelming majority of 143 states from every region of the world, and being a universal instrument of human rights, it obliges full application to every UN member state, both morally and politically. Otherwise, the Declaration clarifies and confirms rights that are now formally and legally bonding, and applicable to indigenous people.

15 Territorio Indígena (www.territorioindigena.com.ar) is a web platform that seeks to bring awareness and exposes the situation of native people in Argentina and their fight for the right to the territory and other fundamental rights. The map is a collaborative tool of several organizations, lawyers, faculty and other individuals that work with native people in order to turn this project into a joint effort: AADI, GAIAT, ENDEPA, The People’s Defender of Argentina, ANDHES and SERPAJ.
2.2. Territorial Emergency Act: Law 26160

Even though the approval of Law 26160 represents an improvement - ordering the suspension of evictions in indigenous communities and putting the National Institute of Indigenous Affairs (Instituto Nacional de Asuntos Indígenas, INAI) in charge of a technical and legal survey of the ownership status of indigenous communities - its consecutive postponement, delays and arbitrariness created a high level of non-compliance. Amnesty International is concerned because the fieldwork survey showed little progress during the 10 years since the original emergency declaration, and the violent evictions continue. In addition, it causes concern that the state did not comply with its obligation to include indigenous people in some of the fieldwork surveys.

Although the survey is a positivestep for indigenous communities Argentina must move forward in its legal recognition of the communal property by granting deeds for the lands that indigenous communities occupy, showing respect to the indigenous tradition. It is crucial that the country gets rid of legal concepts or categories that are not related to the indigenous worldview about lands and territories, which impose a western idea of ownership that is typical of private law. Any changes in the law must also be discussed and checked with the indigenous people.

Most recently, CERD’s Final Observations commented that "even though the legal framework acknowledges the property rights of the lands traditionally occupied by indigenous people, the State Party still does not guarantee the effective exercise of this right". Law 26160 orders the survey\textsuperscript{16} or demarcation of lands traditionally occupied by indigenous people in order to legalize them, however a) its execution suffered complications and delays and b) the process was only completed in 6 provinces, and thus the results were not properly acknowledged or respected, even where the process had been completed\textsuperscript{17}.

\textsuperscript{16}Official reports published by the Supreme Audit Office of Argentina (Auditoría General de la Nación, AGN) and the INAI account for the under spending of the program by the organization in charge of the implementation of the law (Supreme Audit Office of Argentina, Audit Report, National Institute for Indigenous Affairs). Program 16: assistance and development of indigenous people. The report reveals that only 4.22\% of the communal lands in the country were surveyed until mid-2011. Even so, we consider the figures informed by INAI. The report is available in http://www.agn.gov.ar/files/informes/2012_083info.pdf. Information provided by INAI in 2012 indicates that the progress of the indigenous territorial survey program equals 23.95\% (approximately 380 communities surveyed), including unfinished tasks. Please see: Note 327/12 to the Human Rights Observatory for Indigenous People (Observatorio de Derechos Humanos de Pueblos Indígenas, ODHPI); unnumbered note to the President of the Lawyers Association for Indigenous Law (Asociación de Abogados/as de Derecho Indígena, AADI); procedural note 92786/12 to the Center for Legal and Social Studies (Centro de Estudios Legales y Sociales, CELS). It must be pointed out that the information provided by INAI was considered controversial by many organizations that work in this area. For example, please see ENDEPA’s Report: New warning about lack of execution in Law 26160. The gap between statements and reality in terms of territorial rights of indigenous people. 2013. Available in: http://www.slideshare.net/AndreaLandella/segunda-advertencia-de-endepa-sobre-la-ley-26160

\textsuperscript{17}UN, CERD, Final observations on Argentina, CERD/C/ARG/CO/21-23, 2016, Para. 20
Therefore, in view of the new November 2017 deadline extension of Law 26160, it is necessary that the rule be reinforced in order to achieve the traditional, current and public demarcation of territory currently occupied by indigenous communities, in order to lay the foundation for their future entitlement.

Moreover, it is necessary to recover the criteria established by Regulation 587/2007, which created a Special Fund to cover the following expenses: a) the technical, legal and cadastral survey of the lands occupied by the indigenous communities in a traditional, current and public way. b) professional work in legal and out-of-court cases. c) programs for ownership regularization. In addition, it organized the collaboration of the National Territorial Survey Program for Indigenous Communities with the Community Strengthening Program –Res. INAI 235/04- “with the objective of assisting the Indigenous Communities in every action that aims to consolidate the possession of the land they occupy in order to achieve their Communal Property. To that end, INAI subsidizes the Communities to afford expenses related to the following professional work: legal actions and/or defense, legal/accounting advice, legal training workshops, measurements, intervention of notary public, anthropologists and other professionals”.

2.3. Primary sector and territorial fights

During the last 20 years, there has been great progress in the primary sector, especially in diverse activities such as agribusiness, surface mining, oil mining and forestry.

Legal engineering was developed in the 1990s, and it showed progress during the 2000s. For example, Argentina had only six million hectares of genetically modified soybean crops in 1996 (when the first crop was approved). In 2003, there were 12 million hectares. Now, we are reaching an all-time high of 22 million hectares.

There were 40 mining projects in 2000. That number increased to 800 projects by 2015.

The current administration stepped up its primary sector policy with their elimination of taxation for mining, and farming businesses, and their incentivizing policies for oil and lithium companies. However, this has the potential to create scenarios of higher conflict.

Because of this, the exploration and production of the Vaca Muerta oilfield, partially located within the territory of the Lof Campo Maripe indigenous community, is an iconic case. The lack of prior consultation and free, informed consent triggered a conflict for the vindication of rights in more than 27 indigenous communities that live in the area.

The Campo Maripe community has lived in Añelo, a province of Neuquén, since 1927.

In 2011, YPF-Repsol announced the discovery of the Vaca Muerta oilfield. Its oil production plans used the much-debated fracking technique (hydraulic fracking uses pressurized water and chemicals to break up rock), which faces serious questions about its environmental impact. Vaca Muerta covers an area of 30 thousand square kilometers (3 million hectares). Besides Chevron, negotiations are at an advanced stage with Total, Exxon, Shell, Wintershall and Petronas. In September of 2014, YPF announced a production of 20,000 barrels per day of shale oil in the oilfield. Since then, the Campo Maripe community has been harassed over their lands.

On July 19, 2016, the Campo Maripe community blocked the path for new YPF-Chevron drilling machinery. The community demanded the recognition of the 2015 territorial survey (a commitment of the provincial government) and a prior consultation.

In September 2016, Tecpetrol (a YPF contractor) tried to enter the oilfield at night to carry out a “seismic survey”. They performed a radiograph with huge vibrating trucks and explosives to determine the hydrocarbon potential. The Lof Campo Maripe community fought off the intrusion, and assured the machines were removed from the communal territory that same day. The blockage of the oil machinery during the last few months has increased the context of criminalization hanging over the Lof Campo Maripe community.

Finally, on January 10, President Mauricio Macri announced a new plan to attract investments to the Vaca Muerta oilfield, pointing out that this action was agreed upon by the government of the Province of Neuquén, the oil workers’ union and the industry players. Once more, the territorial claims of the indigenous communities in the area were excluded from the conversation, and the decisions affected them. The announcement deepened the national and provincial government’s lack of compliance with indigenous community’s right to prior consultation and free, informed consent.

2.4. Repression and criminalization

The current eviction rates reflect the serious lack of legal certainty that exists for indigenous communities in the country.

Amnesty International has documented several compulsory eviction cases that generated peaceful protests through the occupation of public roads. The response of law enforcement and private third parties generated moments of violence, which even caused the death of members of the indigenous community. In response, preliminary criminal lawsuits against indigenous leaders were used to silence and intimidate the communities tactics. Such is the case of the violent eviction and repression suffered by the Potae Napoca Navogoh (La Primavera) Qom community in November 2010, and the prosecution that still faces their leader, Félix Díaz.

In this sense, CERD’s Final Observations on Argentina expressed a particular concern for the high amount of evictions of indigenous people in spite of the validity of Law 26160,
particularly in relation to the high level of violence against indigenous communities during eviction procedures or protests against them. This is to emphasize the violent incidents against the Potae Napoćna Navogoh “La Primavera” community, Nam Qom and the Quilmes indigenous community, among many others.\(^{20}\)

The Committee also regretted the lack of investigation and punishment of the violent incidents committed by law enforcement and third parties against human rights defenders and members of the indigenous communities, as well as the lack of measures to avoid more of these violent acts (art. 5).

The impunity in the case of Javier Chocobar, who was murdered 7 years ago, was especially highlighted.\(^{21}\)

In 2009, Javier Chocobar, a member of the Diaguita community of Chuschagasta in the Province of Tucumán, was shot to death when he was peacefully defending his territory with other community members against a landowner who insisted on being the owner of the area. Even though murder charges were pressed against three individuals, the trial date is yet to be confirmed. The unjustified delay in the investigation and determination of his death, that took place more than 7 years ago, infringes upon the right of justice and reparation to the Chuschagasta community. The impunity in these cases conveys a strong message that the State tolerates violations against the right to life and the integrity of indigenous community members.

Amnesty International wants to bring attention to the different types of criminal prosecution that have emerged in different provinces. Cases for insurrection, roadblocks, resisting arrest, seizure, attempted murder/injury, etc. are all used to intimidate indigenous people. Even in contexts where the majority of criminal cases are then archived, the mere threat of eventual reactivation is a tactic of manipulation and a subjugation strategy that is unacceptable from the international law standpoint.

In October 2015, Relmu Ñamku, the leader of the Winkul Newen Mapuche community in the Province of Neuquén, faced a trial after resisting illegitimate eviction from her ancestral territory. The criminal case against her, including disproportionate charges such as attempted murder for injuring a justice assistant, ended with his acquittal. However, the use of criminal proceedings and the threat of imprisonment was a strategy to scare, threaten, intimidate and silence the claims of his community. This is incompatible with international human rights law and demands responsibility from the State.

\(^{20}\) UN, CERD, Final observations on Argentina, CERD/C/ARG/CO/21-23, 2016, Para. 23
\(^{21}\) UN, CERD, Final observations on Argentina, CERD/C/ARG/CO/21-23, 2016, Para. 23
The State often uses repression and criminal prosecution to change the discussion topic. Instead of tackling the legitimate demands of the indigenous people (territory entitlement, access to rights, etc.), it uses resources to prosecute indigenous leaders as a strategy to break up the community. Ultimately, the goal of silencing the claim will be achieved based on the extent of the stamina of the group. In this context, Amnesty is concerned about the existence of the anti-terrorist law, approved in 2011, to harass and intimidate indigenous leaders.

The stigmatization and prosecution of the Mapuche community is a serious concern. Recently, a management report of the Ministry of Security of Argentina August dated 2016 went public; the document classified the territorial vindications of the Mapuche community in the provinces of Neuquén, Río Negro and Chubut as national security threats under the euphemism of “revalorización de la ley penal” (“revaluation of the criminal law”). That same document recognized that the government undertakes intelligence activities against Mapuche organizations.

Under this context, more than 200 officers of Gendarmería Nacional – a federal police force – and the Chubut Police Department performed a locking operation last January 10th to stop access to the indigenous lands of the Mapuche (Lof) Cushamen community in the province of Chubut. The community issued a public statement describing the violence and repression they suffered. At least 10 members of the community and their allies were arrested.

On January 10, federal judge Guido Otranto ordered the “removal and seizure of the material obstacles found in the railroad tracks of the old Expreso Patagónico La Trochita (…)”. The resolution did not request the eviction of the community, but ordered that the tourist train be the release of the blockage. However, the issued order had no common narrative with the importance of the operation and therefore gave ineffective judicial control over the deployment of the security forces, which resulted in abuse and violence. On January 11, the Chubut Police once more repressed the Mapuche community, this time without a warrant. Many people were seriously injured. This happened in the wider context of a territorial vindication. On March 13, 2015, Lof en Resistencia decided to recover part of their territory in the Cushamen County, close to the city of Esquel, in the Province of Chubut in Argentina. Today, those lands are part of Benetton’s Leleque ranch, who owns close to one million hectares in the Argentinian Patagonia. That same day, Compañía de Tierras del Sur Argentino, a company owned by the Benetton family, filed a complaint with the local authorities asking for the investigation of the alleged seizure.

It raises concerns that several officials insisted on linking the Mapuche’s fight for their territory with a national security issue. The National Government cannot ignore the pre-existing status of the Mapuche community in relation to the configuration of the State, based on what is recognized by the National Constitution (article 75, subsection 17). And they must disavow the speech of the oil companies saying "the Mapuche community
settlement where the primary sector companies are operating*. The oil companies, mining companies and big ranches are the ones who settled in their historic territories, often stripping the indigenous people of their rights through manipulation and force.

2.5. Right to consultation and free, prior and informed consent

Argentina must still make progress in terms of its core rights, such as the right of the indigenous people to a consultation and to free, prior and informed consent to legislation, policies and projects that affect them. Even though the right of the indigenous people to a consultation is part of Argentina’s legal framework as a signatory country of international instruments, there is no law or policy, either federal or provincial, that regulates the consultation procedure with the indigenous people22. The United Nations Special Rapporteur on the rights of Indigenous People recommended that Argentina prepare a consultation procedure following international standards to increase the participation of indigenous people in the decisions that affect them23.

Amnesty reported that the Potae Napoca Navogoh (La Primavera) Qom community not only took legal action through its legal representative, the General Public Defense Office, to stop the construction of a university center in their territory, but also took legal action against the lack of prior consultation or consent mechanisms shown to them. Most recently, in 2014, they questioned the Supreme Court of Justice for their lack of a prior consultation for the territorial survey carried out by INAI and the Indigenous Communities Institute (Instituto de Comunidades Aborígenes).

In many cases, the non-compliance of this obligation invokes social conflicts and violations of other human rights, that could be avoided if the indigenous’s right to participate was guaranteed and respected.

This is the case of Salinas Grandes. Thirty-three indigenous communities that have inhabited territories in the provinces of Jujuy and Salta since ancient times report that the lithium operations in their lands threaten their survival and the exercise of their rights. No prior consultation is made for the execution of the projects. The exploration licenses are authorized by the provincial governments based on environmental impact studies prepared by the same interested companies, and the representation and decision mechanisms of the indigenous people are not acknowledged.

The communities filed a writ of protection for the lack of "prior consultation, information and participation" ordered by local legislation They reminded the government that Salinas Grandes is "a unique ecosystem that is located within their own territories and provides

them with the natural resources of common use that are necessary for their livelihood, such as water and salt, which allow them to live, work and produce".

In accordance with international rules and national laws, the communities of Salinas Grandes drafted their "Carta Magna" a detailed program that established how the State must respect the indigenous territories and avoid the violation of their rights. It is the Kachi Yupi ("Salt Footprints" in Quechua language) "consultation protocol," formally defined as the "consultation and prior, free and informed consent procedure" for the indigenous communities of Salinas Grandes and Laguna de Guayatayoc. The document drafted by the indigenous grassroots community explains that "the written procedure is of a mandatory enforcement in any act that can affect the communities, since it is so recognized in the current legal framework". It is a 53 page document that was debated and agreed upon by the communities after two years of work. In August 2015, the general assembly approved the protocol. It is legally supported by the National Constitution, the International Labor Organization's Convention 169 (Law 24071) and the UN Declaration of Rights of the Indigenous People.

The consultation process is legally binding and its enforcement is mandatory for the State and the individuals. However, when the legal case reached the Supreme Court of Justice in 2012, the request was rejected based on formal issues, even though a public hearing was summoned. Unfortunately, the Supreme Court missed the opportunity to issue a statement about the human right to a prior consultation and free, informed consent. The case has now reached the Inter-American Commission on Human Rights.

On March 8, 2016, Dajin Resource, a Canadian mining company, announced an agreement to operate in 90,000 hectares of Salinas Grandes. While the company had meetings with the National Mining Secretary (Daniel Meilán) and his counterpart in the Province of Jujuy (Miguel Soler), there was no participation of the 33 native communities that live in the area. They were barely informed of the undertaking. The Cuenca de Guayatayoc and Salinas Grandes Native People Roundtable reported the violation of rights.
2.6. Personería Jurídica (Legal capacity)

The "personería jurídica" became the cornerstone for all the relations between the institutions and indigenous communities, since it represented the fundamental means by which the indigenous communities could assert their rights.

According to the pre-existent status of native people in relation to the national and provincial states, which are also recognized in the Constitution of Argentina, the registration of the legal capacity of the indigenous communities must be of a declarative nature, not a constitutive one\(^{24}\). Their recognition as legitimate owners of the land must also have the same status. Therefore, the State cannot recognize only those communities which are registered at the provincial or national level.

The Inter-American Court indicated that recognition of legal personality allows indigenous communities to enforce their previously existing rights; the same rights they have enjoyed historically and not since their establishment as legal entities. Their political, social, economic, cultural, and religious organization systems, and the rights stemming therefrom, such as the appointment of their own leaders and the right to lay claim to their traditional lands, are recognized, not to the legal entity which has to be registered to fulfill a legal formality\(^{25}\).

Amnesty International received reports of fraudulent and "fictitious" native communities favoring production projects in their territories. This same warning was issued by the United Nations Special Rapporteur on the Human Rights of Indigenous People\(^{26}\).

\(^{24}\) STJ Jujuy, "Laguna de Tesorero - Pueblo Ocloya Indigenous Community v. Cosentini César

\(^{25}\) IACHR, Case of the Sawhoyamaxa Indigenous Community Vs. Paraguay, Fund, compensation and costs, court ruling dated March 29, 2006, Series C, No. 146, Para. 94, y Case of the Yake Aka Indigenous Community Vs. Paraguay, Para. 82 and 83.

\(^{26}\) UN, Report of the Special Rapporteur on the human rights of indigenous people, James Anaya, visit to Argentina, July 2012.
Recommendations

1. Guarantee the suspension of evictions of indigenous people and guarantee participation of the indigenous people in the technical-cadastral survey, respecting their rights and traditions.

2. Promote a communal property law that recognizes the right to territory for the indigenous communities, guaranteeing the right to consultation and the participation of indigenous peoples.

3. Promote a comprehensive consultation and free, prior and informed consent policy which is approved by every indigenous community and is in accordance with international human rights rules and standards for indigenous peoples.

4. Bring an end to the prosecution and criminalization strategies of the indigenous fight and the advance of criminal cases as a tool to impair, silence and sanction native people.

5. Guarantee the declarative nature of the legal capacity of indigenous communities, and not a constitutive one.

6. Guarantee the political organization, social, economic, cultural and religious freedom of indigenous people, as well as the designation of their own leaders in agreement with their own tradition and culture.

7. Promote the active role of the National Government in complying with the current indigenous rules; for example, the coordination of active promotion policies and the respect of the indigenous people through the Federal Human Rights Council or the Council for Indigenous People and Cultural Pluralism.
Lately, the increase in social protests of political and social organizations has been accompanied by tensions: the social protest continues to be heavily punished, especially in many places throughout Latin America. Argentina was part of that trend.

Repression and criminalization have been the reality in our country for years now, but we have recently observed a trend through the presentation of bills and/or the approval of new regulations to control the right of free demonstration, to ban actions and to introduce new Criminal Codes that apply specifically to social protest. In 2014, Congress resumed the debate surrounding the regulation of the right to social protest, and many projects were considered as a governmental response to traffic blockage and social claims. However, that conversation is still pending.

When the new government took office at the end of 2015, one of the first public policy decisions of the Ministry of Security was the release of the "Security Forces Action Protocol in Public Protests," which orders the repression and judicial prosecution of those exercising their right to protest. This is blatantly against international human rights law.

The Protocol does not comply with the international principles that say that any limitation to protest must have a rigorous justification, and must be clearly based in a law (both formally and materially) with a very accurate wording to avoid the authorities from exercising an undue power by limiting freedom of speech and the right to assembly. The authorities bear the burden of proof for any restriction imposed. Moreover, any restrictions on human rights must be strictly necessary and proportional to the specific objective that is being served, there must be no milder means by which the right is limited, and the government must guarantee that the right is not endangered.

On March 31, 2016, the Office of the Public Prosecutor of the City of Buenos Aires issued Resolution FG N 25/2016, which included many limitations on the right to social protest. Indeed, the Resolution stated that the legitimacy of a demonstration must be subordinated to the authorization of the Executive Branch, whereas international law

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28 Hereinafter, the Protocol.

29 See IACHR, Consultative opinion OC-5/86, May 9, 1986; HRC, General observation #34, para. 27.

30 Id., IACHR, Consultative opinion OC-6/86, para. 27.

31 See IACHR, Mandatory Association of Journalists (Arts. 13 and 29 ACHR) Consultative opinion OC-5/85 dated November 13, 1985, para. 69; General observation #34, Freedom of belief and freedom of speech, CCPR/C/CC/04, para. 21-38, specifically Para. 21 and 22. (The Committee explained that this general observation also offers orientation towards the elements of the right to peaceful assembly; see Communication #1790/2008, Govsha, Syritsa and Mogyak v. Belarus, dated July 27, 2012, Para. 9.4).
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indicates that the right to peaceful assembly is a right, not a privilege, and in that sense, there does not need to be any prior authorization request. The Special Rapporteur on extrajudicial, summary or arbitrary executions confirmed that the legitimacy of a demonstration cannot be subordinated to the approval of the authorities.

On December 22, 2015, only a few days after the inauguration of President Macri, the Gendarmería (Federal Police) violently repressed peaceful demonstrators that were protesting to be reinstated in their jobs at the Cresta Roja corporation. According to public reports, law enforcement personnel used water cannons and rubber bullets in excess to attack the physical integrity of the demonstrators.

On December 29, another act of repression took place in the 1-11-14 shantytown in Bajo Flores. Witnesses stated that the National Police attacked their neighbors, shooting randomly in an area with kids and teenagers. The Institutional Violence Prosecutor’s Office (Procuraduría de Violencia Institucional, Procuvin), an agency of the Office of the National Public Prosecutor, started an investigation. At least 11 individuals were shot with rubber bullets, including children.

In May 2016, teachers and workers that were camping near the Provincial Government Offices in Ushuaia, Tierra del Fuego, were violently removed at dawn by law enforcement personnel. Reports stated that police officers destroyed and set fire to the tents that were set up opposite the government offices.

Protests and social mobilizations are living demonstrations of the right to freedom of speech, freedom of association, and freedom of assembly, which are all granted in the Constitution as well as in the international treaties of human rights that are legally binding for Argentina. Occasionally, protests are the only means available to vulnerable people to make themselves heard and their opinions known. Generally, demonstrations reveal a need to recognize situations that are not visible, many times of extreme nature, to the public. Since access to mass media (radio, TV, social media, etc.) is not available to everyone, both individuals and groups (students, indigenous people, women, sexual minorities and migrant people, among others) need other ways to voice their opinions if they want to have a say in the public debate. Demonstrations in public places are a way of expression, and sometimes the only expression demonstrators have.

As stressed by the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, States are positively obliged by virtue of international human rights law not only to actively protect assemblies but also to facilitate the right to freedom of peaceful assembly.[32]

Amnesty is concerned that social movements are presented as a threat to society, when it is truly the State who must guarantee that social movements and the right to freedom of assembly is respected, and that any space used to protest is protected.

Amnesty International has disagreed with projects that proposed unreasonable restrictions aimed at frustrating the expression of opinion for the sake of regulation. “Public order” cannot be invoked to eliminate or distort rights, and must be used only in accordance with the demands of democratic society.

### 3.1. Criminalization of protest: a tool for intimidation and silencing

The criminalization of legitimate mobilization and social protest, either through direct repression of demonstrators or through criminal prosecution, is inconsistent with the rule of law, which upholds that people have the right to express their opinions.

States must refrain from using the judicial system to prevent or punish the legitimate activities of activists. On the contrary, necessary measures must be taken to make sure that individuals are respected, and protected from unfounded and unfair trials.

The opening of criminal investigations “not only has a chilling effect on their work but it can also paralyze their efforts to defend human rights, since their time, resources, and energy must be dedicated to their own defense”. In this regard, the IACHR stated that the criminalization has an individual (the person is frightened and distressed due to the unlawful detention or the unexpected economic burden) and collective (it delivers an intimidating message to every person interested in the eventual reporting of future violations) effect.

#### 3.1.a. The Milagro Sala case

On January 16, 2016, social leader Milagro Sala suffered an unlawful detention for leading a protest in Plaza Belgrano in San Salvador de Jujuy, in the northeastern part of Argentina. On December 15, 2015, Milagro Sala was criminally reported by the government of the Province of Jujuy for the protest that started the previous day by the Red de Organizaciones Sociales de Jujuy (ROS), a network that Tupac Amaru is a part of. Notwithstanding the ambiguity of the accusation and the absence of a clear and accurate description of the charge, she was criminally accused of two felonies: organization of a

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protest (construed as traffic blockage, a felony - art. 209, Criminal Code) and the rejection of a government decision in relation to the activities of the cooperative she is a part of (construed as sedition, art. 230, Criminal Code). Even though her release from prison was ordered, another set of criminal actions were initiated against her in order to keep her unlawfully detained.

On October 27, 2016, the Working Group on determined that the "Milagro Sala detention is arbitrary" and requested that "the government release her immediately". The Group stated that the objective of this network of "consecutive accusations" was to keep her unlawfully detained indefinitely, and it came to the conclusion that the State prevented her from exercising her right to a legal defense. After analyzing the cases that keep her under detention, the Group stated that there are no legal elements to justify keeping her in custody.

On November 3, the Inter-American Commission on Human Rights (IACHR) submitted an information request to the State in order to know the actions spurring the compliance decision of the Work Group. On December 2, the IACHR issued a press release urging the Argentine State to respond to the Milagro Sala case.

Argentina is a country that included international treaties on human rights in its National Constitution, and thus agreed to their application and implementing monitoring system. This has generated an international responsibility to honor such commitments (See the chapter on "Foreign Policy").

Today, Milagro Sala is unlawfully detained and the Argentine State continues to breach its international commitments.

3.2. The principle of legality and application of criminal types

In the formulation of criminal types, States must use strict and univocal terms that clearly outline punishable behaviors in order to uphold the principle of criminal legality. Ambiguous, vague and generic punishments that leave room for discretionary interpretation in the judiciary branch must be avoided.

According to the Inter-American Human Rights Court, a clear definition of the incriminated behavior means that its fixed elements set out non-punishable or illegal behaviors that can be punished with non-criminal measures, because the ambiguity in the formulation

36 IACHR. Second report on the situation of human rights defenders in the Americas. OAS/Ser.L/V/II. Doc. 6631 December, 2011, Para. 80 and 81. See also IACHR, Report on the situation of human rights defenders in the Americas, para. 114. On that subject, the Inter-American Court indicated that "the elaboration of criminal types suppose a clear definition of the incriminated behavior that fix its elements and set out non-punishable or illegal behaviors that can be punished with non-criminal measures". IACHR, Case of Ricardo Canese Vs. Paraguay, court ruling dated August 31, 2004. Series C No. 111, Para. 174.
Keeping things under control is not against human rights; on the contrary, the respect and protection of human rights are crucial to the rule of law.

of criminal types generates doubt and leaves room for discretionality. Therefore, the behavior must be outlined by the law, both formally and materially, must be expressed accurately and specifically, and must have been previously produced.

The IACHR has mentioned clear, but not thorough, examples of this kind of criminal behavior: "criminal conspiracy", "traffic blockage", "incitement to crime", "disobedience", "threat to State security, public security or public health and moral protection", "libel", "slander" and "false accusations", as criminal types used by the States to punish the legitimate work of defenders. They even use concepts such as "public order" and "national security" within their descriptions of criminal behavior. These limit the exercise of social protest because they are not accurately defined, and their vagueness and ambiguity enables absolute discretionality in their interpretation and application by the authorities.

On the other hand, the global proliferation of "anti-terrorist" laws that have been used to criminalize indigenous and peasant leaders for activities related to the defense of their territory was reported by Amnesty. With this in mind, we condemn these regulations.

Several criminal behaviors included in this legislation do not have a specific formula for punishable behavior, nor are they of the "terrorist" nature, and their qualification depends on the discretionality of those who judge them. In this sense, Amnesty International thinks Argentina should review and revoke the current anti-terrorist law in our country.

3.3. Abuse of force and use of weapons

Amnesty has documented cases of excessive use of force, where there is a clear failure to comply with the obligation to protect those who exercise their right to demonstrate. The State must guarantee that force is only used as a last resource, and with strict compliance to the international rules of proportion and necessity based on the existing threat. The same State is to establish special measures of planning, prevention and investigation in order to determine the potential abusive use of force in these situations.

Law enforcement agents must be trained to deal with situations of public disturbance through means and methods that respect human rights. They must also be trained on the

Keeping things under control is not against human rights; on the contrary, the respect and protection of human rights are crucial to the rule of law. Issues surrounding police weapons, and their uses, conditions, limitations and other control and regulation measures fall within this framework. The key issue is determining the type of material needed in each situation to avoid the risk of death and, at the same time, to protect the life of the officers in charge of enforcing the law and the population. Amnesty International recognizes the importance of developing options in the use of non-lethal or "less than lethal" force in order to reduce the risk of death or the damages related to the use of guns or other impact arms. However, the use of electric arms, Taser guns among them, raises a series of concerns in relation to the protection of human rights that our organization has already addressed. Then, in certain cases, the new "less than lethal" technologies can lead to abuse, and even be lethal.

43 There are internationally agreed rules to control the use of force by police and other law enforcement officers. The United Nations developed detailed and specific professional rules that those officers must comply with. Among such rules, we must point out the following: the United Nations Code of Conduct for Law Enforcement Officers (1979, hereinafter the UN Code of Conduct), the United Nations Basic Principles about the Use of Force and Firearms for Law Enforcement Officers (1990, hereinafter the UN Basic Principles) and the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. These international agreements indicate the best way to apply the international treaties on human rights and the use of force during law enforcement operations.
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Recommendations

1. Guarantee the right to freedom of expression, assembly and social protest, avoiding regressive regulations that impose disproportionate limits or restrictions on rights that only aim at frustrating opinions and social vindications.

2. Eliminate the use of criminal types for the criminalization of social leaders and human right defenders. Criminal tools must never be a state mechanism to solve social problems or to silence collective claims.


4. Guarantee effective mechanisms for rightful and independent investigations of reports submitted by victims of human rights violations, and condemn the law enforcement officers responsible for the abuse. The arbitrary or abusive use of force by law enforcement officers must be treated as a felony.
The consensus among the international community recognizes that violence against women is a human rights concern that demands a proactive and urgent State intervention. The consensus is reflected in several international instruments, and lately it is emerging in local courts.

The Belém do Pará Convention, ratified by Argentina, defines violence against women as a form of gender violence, and as a demonstration of the unequal power dynamic between men and women existing in state institutions, in private corporations and at home. It urges States to guarantee “due diligence” to prevent, investigate and punish violence against women and award reparations to the victims, independent of the location of the incident or the identity of the perpetrator. This includes domestic violence.

International human rights law urges States to adopt comprehensive legislations at the federal and provincial levels to enforce mandatory orders of protection, and to take security measures for impending violent actions. It also demands the creation of effective implementation mechanisms; the issuance of protective measures for women and children in the context of domestic violence; the design of protocols to establish the appropriate components of investigations in the judicial system; the creation of offices specialized in the assistance of female victims of domestic violence; the generation of education, human rights and gender programs for judicial officers, justice operators, police and armed forces officers, among others.

Among other actions, the serious gender violence problem is now being recognized following the #NiUnaMenos demonstrations. June 3, 2015 marked the first mass demonstration in the country about violence against women and femicides, and the lack of a public policy to deal with this situation.

This year, the demonstration in Argentina resulted in the visit of the United Nations Special Rapporteur on Violence against Women, Dubravka Šimonović. After travelling around the country, the Rapporteur called upon the “considerable deficiency” of the Argentine system to face the “macho culture” and the increasing femicides. Following this trend, she recommended an increase in the human, technical and financial resources of the National Women Council (Consejo Nacional de la Mujer).

In 2009, Argentina approved Law 26485 to Eliminate and Prevent Violence against Women. However, a lack of regulation and budget allocation prevented its implementation. A new Comprehensive National Action Plan for the Prevention, Assistance and Elimination

44 Such as General Assembly resolutions, statements and action platforms, treaties and opinions of its supervisory bodies, common law, universal and regional case law systems and other sources of international law. See IACHR, Report #80/11, Case #12.626, Jessica Lenahan (USA), July 21, 2011, para. 123 and 124 (omitted quotes). IACHR indicates the support to different international human rights law developments that are reviewed later on.

45 The Belém do Pará Convention, adopted on June 9, 1994, is the first international binding instrument that takes specific and nominal care of violence against women, and adapts the renowned human rights included in the general treaties to their reality and needs.
The consensus among the international community recognizes that violence against women is a human rights concern that demands a proactive and urgent State intervention of Violence Against Women was introduced in 2016 for 2017-2019. Part of the core strategy of a Action Plan should be the construction of mechanisms for institutional and governmental articulation with federal reach. The clear identification of responsibilities assumed by different institutions as an accountability tool is key to achieve the proposed objectives of the National Plan.

Our concern is that the goals of the National Plan are too wide and generic, and their performance indicators are non-specific which, in most cases, will not show progress on the proposed goals and will make it impossible to use as a future metric. For example, in the case of sexual and reproductive health, the indicator to achieve sexual and reproductive rights for women is the existence of a Protocol for the legal interruption of pregnancy. As we will cover in the Women and Girls Health section, part of the challenge for of Argentina is the execution of legal frameworks. Otherwise, the national plan against gender violence does not have a specific focus on youth, in spite of the high femicide rates among young women.

Precisely when Argentina was assessed by the CEDAW Committee in November 2016, the United Nations stressed the importance of increasing the human, technical and financial resources of the National Women Council, and of promoting permanent coordination between the National Council and the provincial and municipal Women Offices by setting up clear and coordinated work guidelines for gender equality. The UN also suggested that the State allocate resources for the generation of updated statistical data that will enable public policy to better prevent and fight gender violence.

Discrimination and violence persist in social and institutional environments, the legal system and the justice system. Discrimination practices, stereotypes and prejudice, as well as rigid gender mandates, lie across the entire society and determine interpersonal relationships and institutional behavior.

Access to justice is key to effectively recognize and exert fundamental rights. Free legal assistance, an independent and effective legal system that issues fair rulings in a timely fashion, and the existence of trained staff to receive complaints are some of the core elements needed to guarantee this right.

46 UN, CEDAW, Final observations on Argentina, CEDAW/C/ARG/CO/7, only available in English http://acnudh.org/wp-content/uploads/2016/12/CEDAW_C_ARG_CO_7_25088_E.pdf
Recommendations

1. Implementation of the necessary resources and monitoring of the National Action Plan for the Prevention, Assistance and Elimination of Violence Against Women, as established in Law 26485.

2. Guarantee access to justice for victims. There must be trained and well suited staff to take complaints in every precinct, a unified civil and criminal jurisdiction and victims free legal representation for victims.

3. Implementation of the Unified Official Registry of victims of violence against women. Develop official and updated statistics on femicides. The only way to enable the design of effective public policies is to develop a diagnosis in the field.

4. Guarantee the protection of victims of violence. Implementation of the electronic monitoring of perpetrators to assure they won’t violate the restraining orders imposed by Justice.

5. Assignment of a specialized and hierarchic role to the National Women Council as part of a critical and cross policy program, with allocation of human, financial and institutional resources. There must be a comprehensive approach to violence against women (both in the domestic and interpersonal levels) as well as at the federal level.
Equality in governmental bodies is an outstanding issue that compromises human rights in our country. The largely male configuration of governmental bodies and our history of female exclusion in decision-making roles perpetuate patterns of inequality and domination among genders, "as well as exclude valuable voices and perspectives from the public debate.

In order to achieve full compliance with the right to equality and non-discrimination of women - which is recognized in the Constitution, the international treaties on human rights and several international instruments - all necessary steps must be taken to guarantee equal access to public office.

Our country adopted a great number of international and regional obligations in terms of gender, some of them with constitutional hierarchy, and approved several legal regulations promoting equality between males and females, specifically concerning access to public office.

The principle of equality and non-discrimination recognized in the Constitution and international human rights instruments with constitutional hierarchy oblige the State to achieve parity in the configuration of the political power structure.

However, the situation of women in politics and justice shows us a reality of inequality, even though there has been important progress in the regulatory framework.

In the Judiciary Branch, the operation of the so called "glass ceiling" is well known. Even though the Judiciary Branch is mostly female, this trend is remarkably reduced in the hierarchical positions. Proof of this has been the recent appointment of two male judges to fill vacant spots in the Supreme Court of Justice without considering the important commitment to gender diversity for the configuration of the country’s higher court, which is set forth in Executive Order 222/03.

Something similar happened in the Judiciary Branch, where only 22% of hierarchical positions (ministers, secretaries and deputy secretaries) are currently held by women.

In the face of almost no participation by women in the political scene in Argentina, the Legislative Branch passed Law 24012 in 1991 declaring the effective participation of women in the election process. At that time, this law pioneered the establishment of a 30% quota for national lists to elective office. Later, this type of mechanisms was adopted in the provinces.

25 years later, however, different political parties, election alliances and electoral fronts violate this important rule without the intervention of the Electoral Justice, who could demand its comprehensive and effective compliance. A real equality in the political participation of women is still an outstanding issue, since they account for less than 40% of the seats in Congress.
This same thing was noticed by the United Nations CEDAW Committee in their Final Observations on Argentina in 2016. The specialists showed concern about the structural inequality between males and females. They requested that the necessary steps be taken to mitigate the underrepresentation of women in the different governmental environments, and that bills are approved to guarantee gender parity in Congress.

Throughout 2016, concern about reaching a fair representation between males and females had inconsistent results. Unlike the quota experience, where a law was approved first at the national level to then move onto the provincial legislations, the parity process is now moving in the opposite direction. The parity law was first approved in the provinces of Buenos Aires, Salta and Chubut, joining pioneer experiences in Córdoba (2000), Santiago del Estero (2000) and Río Negro (2002).

In 2016, two national bills were approved that proposed an alternate and sequential 50% parity for women and men, one in the House of Representatives and the other in the Senate. However, achieving parity at the national level, a result that seemed plausible two months ago, lost momentum and both bills became stagnant in the midst of political disputes.

Parity is a tool to assure compliance with female political rights, making the equality principle effective to boost their autonomy in decision-making and collaborating in the dismantling of gender stereotypes that have historically damaged women rights.

The parity principle was recognized in both the Quito (2007) and Brasilia (2010) Regional Consensus as a mechanism that improves the quality of democracy and roots out the structural exclusion of women. Parity is not considered a temporary measure (such as the case of quotas), but a guiding principle of democracy that goes beyond formal male and female representation, and aims for the democratization of gender relationships.

Finally, the implementation of the parity principle and the full participation of women in politics guarantees the equality principle, promotes a more diverse and plural debate with the inclusion of the gender perspective in public affairs, and assures democratic legitimacy in decision-making environments.

1. Make significant improvements in equal access to public office and the political participation of women.

2. Promote effective mechanisms that guarantee the equal representation of women in hierarchic positions in both the Executive and Judiciary branches.

3. Make progress in the approval of a bill that promotes equality in the configuration of legislative bodies.
The battle to control women’s lives and bodies, mainly surrounding the issue of abortion, is another demonstration of violence against women. Every year, abortions cost thousands of women their lives. It is well known that the decriminalization of abortion and assured access to reproductive health and family planning services reduces maternal death. However, women are silenced and excluded from the decision-making process, and access to those services are denied.

Equality among people; their capacity to make free decisions without duress; the freedom to make decisions about their own body, sexuality, life and identity; the possibility of being informed and educated on sexual and reproductive health; the ability to have children; the possibility to decide whether they want to keep them; and when and in what moment to do it; these are all human rights for women, young girls and female infants.

6.1. Implementation of legal abortion

In Argentina, abortion is legal in the case of rape and when the women’s life or health is in danger. This was confirmed by the Supreme Court on March 13, 2012 (“F.A.L.” case 48), when it was clarified how to construe article 86 of the Criminal Code. The ruling established that there was no need for legal authorization to perform the abortion in case of rape, but an affidavit would be enough. The ruling also urged the authorities at the national and provincial levels (including the City of Buenos Aires) to remove every administrative or factual barrier with the implementation and operational rendering of hospital protocols to perform non-punishable abortions.

Five years after the ruling, access to legal abortions is not implemented nationwide, even though it has been valid since 1921. Only 8 jurisdictions have protocols that are almost entirely in line with the Supreme Court ruling. 8 provinces have protocols that are not in line with the Supreme Court ruling, and another 8 provinces do not even have a protocol 49. Therefore, more than half of the jurisdictions in the country do not have a regulation that assures the effective exercise of a right that women have had since 1921.

The situation is so arbitrary that, in practice, based on the jurisdiction where a woman or girl is born, they can exercise their right to access abortion or not. But even in the provinces where a protocol exists, the implementation is erratic, and there are some regressive initiatives that have blocked the practice.

49 Only 8 jurisdictions have protocols that are almost entirely in line with the Supreme Court ruling (Chaco, Chubut, Jujuy, La Rioja, Misiones, Santa Cruz, Santa Fe and Tierra del Fuego). The provinces of Córdoba, Entre Ríos, La Pampa, Neuquén, Buenos Aires, Río Negro, Salta and the City of Buenos Aires must adjust their protocols to the standards established by the Supreme Court. There are jurisdictions that do not even have a procedure manual: Catamarca, Corrientes, Formosa, Mendoza, San Juan, San Luis, Santiago del Estero and Tucumán.
Fallback on the implementation of legal abortion in the Province of Buenos Aires

The case of the Province of Buenos Aires raised special concerns.

Last October 12, the Provincial Health Ministry issued Resolution 2095/2016, through which the Province adhered to the National Protocol on legal abortion. This initiative revoked Resolution 3146/2012 that included setbacks to legal abortion. The new resolution tried to come to terms with the guidelines that give women, girls and transgender persons access to the legal interruption of pregnancy. This is in line with the policy defined by the National Health Ministry and the National Program for Responsible Sexual and Reproductive Health. Buenos Aires was added to the 8 jurisdictions with protocols in line with the law and the standards established by the Supreme Court of Justice in the case of F.A.L. in 2012.

The Protocol offered clarity to the medical community on how to proceed in a rape-based pregnancy, or when the mother’s life or health was in danger. It also avoided unnecessary setbacks for women and girls that want to access abortion at a local health service. However, the government of the province surprisingly fell back on this initiative. The Protocol was never published in the Official Gazette, and the province issued a statement saying that they are working on a new draft\(^{50}\).

The definition of a health policy is of utmost importance in the face of repeated cases where health services failed to respect the right to life, health, integrity and reproductive autonomy of women, girls and teenagers, recreating the institutional violence that is inconsistent with the obligations of the Argentine State.

Each province has an obligation to design and implement public policies that are respectful of women and girls’ rights before private moral or religious ideas. Apart from that, this fallback conveys a message of tolerance with those health professionals that deny women access to their rights, and push them into risky situations concerning their health and life.

6.2. Obstructions in the access to legal abortions

In spite of the legal framework, the situation in Argentina is similar to legal environments where abortion is absolutely banned. There are plenty of cases where women faced concrete setbacks to a legal abortion.

In July of 2016, the case of a 12 year old girl (named "Juana" to preserve her identity) from the Wichí indigenous community in the Province of Salta, in the northern part of

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Argentina, was made public. She was raped by a group of criollos (countrymen) within the ancestral territory, and she was forced to continue with her pregnancy until the seventh month. Even though her parents reported the rape, not a single member of the State ever approached her to let her know her options and rights. Once again, we see an absent State that not only leaves people unprotected and ends up being an accomplice, but also subjects even a minor girl to a situation of violence and torture. After 31 weeks, a C-section was performed because the pregnancy was not feasible, and was diagnosed with anencephaly\(^{51}\).

In April 2014, a 13 year old girl who was pregnant after being sexually abused by her stepfather requested an abortion. Upon reception of the request, officials of the "Mariano y Luciano de la Vega" Hospital in Moreno, Province of Buenos Aires, refused to perform the abortion due to the advanced gestational status\(^{52}\). The Ministry of Health confirmed the decision of the health center. Finally, the girl had a pharmacological abortion in a private office and her aftercare took place in a public hospital outside of the Province of Buenos Aires, where she was accompanied by female organizations in the area that were part of the National Campaign for the Right to a Legal, Safe and Free Abortion.

In 2013, two similar incidents happened with two girls aged 12 and 16 who were victims of abuse in the Province of Tucumán, and another one in the Province of Salta, where a minor girl was refused a legal abortion.

That same year, a court in the City of Buenos Aires prevented a 32 year old woman from having an abortion. She was a victim of sexual slavery and her pregnancy was the consequence of a rape. Finally, the Supreme Court revoked the decision of the court and the woman had her abortion\(^{53}\).

In 2011, Mónica suffered a congenital heart disease and the Entre Ríos health services forced her to continue with a pregnancy that posed a threat on her health and her life, and she ended up having a stroke eight days after labor.

In this regard, the CEDAW Committee\(^{54}\) indicated that [I]”States parties should further organize health services so that the exercise of conscientious objection does not impede their effective access to reproductive health care services, including abortion and post-abortion care”\(^{55}\).

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53 Amnesty International, 2013 Annual Report
The Committee also stated that "the refusal of a State Party to provide certain reproductive health services to women in legal conditions is discriminatory. For example, if health service providers refuse to provide such type of services due to conscientious objections, measures must be taken to refer the woman to other providers offering such services". The Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also expressed its concern about the restrictions to abortion due to the refusal of some doctors and clinics to perform legal procedures, alleging conscientious objections, especially in the case of rape victims. The Committee stated that, in accordance with the World Health Organization’s Technical and Policy Guide on Risk-Free Abortion, the State Party must guarantee that the exercise of conscientious objections does not block the access of women and girls to the services they are legally entitled to, and that only women and girls need. The State Party must also apply the legal and/or policy framework that gives women access to abortions when the medical procedure is authorized by law.

The CEDAW Committee has also stated that "[t]he accountability of legal systems is also related to the vigilance of professional actions and their liabilities in case they break the law". That is, penalties to those who illegally block access to legal abortion, putting women’s right to life at risk through action or failure to act.

### 6.3. Maternal death, health and abortion

During the last 30 years, complications related to risky abortions have been the main cause of maternal death, accounting for a third of total deaths. The 2007-2011 statistics show that 23% of maternal deaths were a consequence of unsafe abortions.

In November 2016, Argentina was assessed by the CEDAW Committee. One of the most alarming issues they commented on was abortion. The Committee expressed its concern about the high rate of maternal deaths in the country and blamed it on risky abortions and obstacles to legal abortions that are clearly against the Supreme Court of Justice ruling in the F.A.L. case of 2012. It also asked the country to reduce its maternal death rate; to guarantee women access to legal and safe abortions and post-abortion services; to establish strict criteria to avoid the use of conscientious objections in order to limit rights; to have appropriate procedures for the provinces to adopt the protocols to non-punishable abortions in line with the "National Protocol for the Comprehensive Care of

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56 UN, CEDAW, General Recommendation #24, Woman and health, 02/02/99
58 UN, CEDAW, CEDAW/C/ARG/33, cons. 143 dated August, 2015.
Persons Entitled to the Legal Interruption of Pregnancy" and to adopt a law that entitles the voluntary interruption of pregnancy that broadens the scope of cases currently permitted by the Criminal Code. Even though the Government recognized that illegal abortions are the main cause of maternal death in Argentina, no official data nor specific information has been released about actions being taken for the implementation of legal abortion.

Even though Argentina has a low fertility rate, women are exposed to an out-of-proportion risk when they become pregnant. In 2014, based on Vital Statistics published by the National Health Ministry, 290 women lost their lives due to pregnancy related issues\(^62\). In 2013, there were 243 deaths\(^63\) and in 2012 there were 258. However, this is only a representative figure.

Maternal deaths caused by indirect obstetric reasons\(^64\) account for a quarter of total maternal deaths\(^65\). Among other things, this suggests that it is possible that many women did not access the proper information, or opportunity to interrupt their pregnancy based on health considerations.

Argentina has recognized that "maternal death is frequently underestimated due to deficiencies in the medical certification of the cause of death in the Statistical Death Report"\(^66\), so even the official figures do not represent the total number of women and girls’ lives lost.

The inequalities reflected by maternal death rates in the provinces illustrate the discrimination suffered by women living outside of major urban hubs. Some provinces double or even triple the national rate. Currently, abortion is the main cause of maternal death in more than half of the provinces of Argentina. Complications related to unsafe abortions are the first cause of maternal death in 17 out of 24 provinces. In two provinces where the main cause of death is "other direct obstetric", abortion is still the following cause\(^67\). This situation indicates that women living in provinces such as Formosa or Chaco are exposed to an out of proportion risk when compared to the women in jurisdictions such as the City of Buenos Aires, or the provinces of Córdoba and Buenos Aires.

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63 DEIS, 2014.
64 Women deaths for pathologies aggravated as a consequence of pregnancy, labor or postpartum.
65 Romero, Abalos, & Ramos, 2013. Indirect maternal deaths are those where women already have a pathology, which is aggravated by a pregnancy. If only they had been warned and informed about the risks of carrying a pregnancy forward, and granted the option to access a safe abortion, those deaths could have been avoided.
67 Romero, Abalos, & Ramos, 2013
6.4. Information about legal abortions

The national statistics system does not report the current number of legal abortions in the country. The omissions and deficiencies of the national statistics system have an effect on the management quality of the health policy needed to guarantee access to legal abortions, since there is no accurate information about the potential, real and effective demand, the necessary supplies and human resources, the barriers and obstructions in the delivery of services or their problems or standards.

Moreover, current health record have limitations that come from the lack of coverage in certain areas of the health system. Almost every available health record is based on the public health system, which rules out data from the other subsystems that present different characteristics and could even modify the statistical median.

The annual report on sexual and reproductive health services issued by the National Health Ministry, which surveys the National Program for Responsible Sexual and Reproductive Health in every province, offers detailed information on legal abortions reported by local health systems. Based on the 2013 Management Report, 14 provinces reported data about legal abortions; 12 of them performed actual abortions and the other four referred cases to other jurisdictions when causes of legal abortion were identified. 88

At least 18 provinces reported having at least one health professional providing legal abortion services; six of them reported improvements in the implementation of healthcare procedures and eight provinces reported problems in accessing the supplies needed to perform the practice, as well as other type of obstacles in the delivery of legal abortion services. Another three provinces reported not having local legal abortion services, and the remaining one reported nothing about this.

According to the report, a total of 374 health professionals offer legal abortion services in Argentina. "More than 1500 non-punishable abortions" were recorded in the 18 provinces that provided data.

The epidemiologic information of a population is key for planning and evaluation purposes. The information is especially key for specific segments of the population that demand particular health services. In those cases, it is essential to identify the magnitude of the demand, the characteristics of the population and the available services in order to design and improve health public policies.

6.5. Situation of girls and teenagers. Comprehensive sexual education (CSE)

The situation of girls and teenagers falls within this same reality. The current teenager population in Argentina is the largest in history (demographic dividend). In Argentina, one out of every six women has her first child before turning 19 years old. The average age for the first pregnancy is 16.6 years. The percentage of newborns from teenage mothers (under 20 years old) showed no major variance in relation to total newborns, and is close to 15% since 1990. However, it is necessary to highlight the inequality among the different provinces where, in 2011, the percentage of teenage pregnancy was above 20% and surpassed the national average in 6 out of 24 provinces. 25% in Formosa and Chaco; 22% in Misiones and 21% in Catamarca, Corrientes and Santiago del Estero. Also, 12.8% of maternal deaths fall within women aged 15-19.

Many provinces are resisting the implementation of the Sexual Education Act (Law 26150, that established that every student has the right to get a Comprehensive Sexual Education [Educación Sexual Integral, ESI] and created the National Program on Comprehensive Sexual Education), which was approved in 2006.

Until 2015, only eight provinces approved their own sexual education acts and another two issued local resolutions that established the implementation of the National Program. However, even in these jurisdictions, curricular integration is resisted and the distribution of educational tools and materials was not effective enough, or did not have the necessary dissemination. Existing challenges are the insecurity of the teaching

69 UNFPA, 2013.
70 Brizuela et al, 2014.
73 Brizuela et al, 2014.
74 City of Buenos Aires (Law 2110/06), Chaco (Law 5811/06), Entre Ríos (Provincial Law 9501/03, includes sexual education by supporting PNSSYPR), La Rioja (Law 8431/08 in support of the National Law), Buenos Aires (Law 14744/15 in compliance with the National Law), Río Negro (Law 4339/09 in support of the National Law), Santa Cruz (Law 3043/09 in support of the National Law), Misiones (Law VI, 129/09, making it mandatory in line with the National Law). To understand the difficulties for the local implementation of the law in the Province of San Juan, see: Rojas, Fabián “Comprehensive Sexual Education. Time to remove the veil”, National University of San Juan Magazine, Year IX, Issue 56, March 2012 [http://www.revista.unsj.edu.ar/revista56/imagenes/launiversidad_56.pdf]
75 UNICEF, Report “Qualitative consultation: National Comprehensive Sexual Education Program”, available at http://www.unicef.org/argentina/spanish/Informe_consulta_cualitativa_programa_educacion_sexual_en_argentina.pdf. “Even though [the interviewees] had some information, it was scarce and vague. Most of them were completely ignorant of the objectives of this law and its scope. Many of them indicated that they only knew this was “a controversial law because of the church disagreement”.
76 Formosa (Resolution 2181/12 in support of the ESI Program. Resolution 5249/14 makes it mandatory in every educational institution of the province), La Pampa (Resolution 814/10 creates the Provincial Sexual Education Program in line with the National Law).
staff to deal with the contents of Comprehensive Sexual Education in the classrooms, difficulty and fear of families, lack of commitment from teachers and school officers, and institutional difficulties with implementation.\(^{77}\)

There were also concerns about the approach of some materials developed at the local level, since they can end up being more restrictive than the ones developed at the national level. One example is the Sexual Education Booklet of the Province of Salta, which was jointly developed by the provincial government and conservative organizations. It included mildly inaccurate content in some cases, and grossly incorrect in other cases.\(^{78}\) In this sense, the development of a monitoring process for the implementation of ESI in the provinces is key.

A UNICEF poll\(^{79}\) indicated that most interviewees who were sexually educated pointed out that the issues and contents that were addressed were closely related to the biological aspects of sexuality. Some of the issues mentioned were the male and female reproductive system, conception and pregnancy, contraceptive methods, sexual transmitted diseases, particularly HIV, and prevention. It added: "Most students who were sexually educated were not satisfied with the kind of education received. Particularly, the scarcity of the information and the inappropriate way of presenting it\(^{80}\). Otherwise, the existence of effective policies to teach ESI to historically damaged groups is unknown. Particularly, there is no specific material to tackle issues with indigenous people with an inclusive perspective and respect of their worldview. On the other hand, even though the National Ministry of Education developed materials to teach ESI to people with disabilities, they are not implemented in practice.

Now that the important Access to Public Information Act is approved, it is necessary that governments put into practice the active transparency principle, and proactively publish budget planning and spending. Unfortunately, it is impossible for us to examine the budget of the Ministry of Education’s National Comprehensive Sexual Education Program since it is not itemized, and only appears as part of the Education Management section.

Even though boys, girls and teenagers have the legal right to access sexual and reproductive health information and services when they turn 13 without their parents’ consent, in practice there are difficulties in accessing confidential, safe and quality


\(^{78}\) Then again, the application is similar to the national program. Some provinces developed a curricular program for each level, while others only focused on high school students. The creation of local teaching material was fostered in the past two years, but its distribution and use is still incipient.


\(^{80}\) Ibid.
environments for teenagers to seek advice and care. Additionally, health services are highly discreptional and they lack a clear programmatic orientation that standardizes their professional behavior. There is a disagreement about the criteria used in each provincial and municipal program - for example, when to offer contraceptive methods and under what conditions. In this sense, it is necessary to guarantee quality sexual and reproductive health services that are preventive, comprehensive, friendly and confidential. Access to legal abortions also prevents sexually transmitted infections (STI) and AIDS. It is necessary that teenagers and youth participate in the issues that pertain to them. Among others, the Committee on the Rights of the Child argues that the State must guarantee "...that girls and teenagers have free and timely access to urgent contraceptives, raising a bigger awareness among women and girls about their right to these contraceptives, particularly in case of rape." It is paramount that women, teenagers and girls in Argentina have the capacity to make free and informed decisions about their sexuality and reproduction.

6.6. Lack of access to pharmacological abortions

Mifepristone and Misoprostol are approved as essential medications by the World Health Organization (WHO). Among their instructions, we find the following: cervical maturation, induced abortions in the 1st and 2nd trimesters, prevention and prophylaxis of postpartum hemorrhage, incomplete abortion, cervix preparation (WHO, 2012). If Mifepristone is not available, WHO suggests the exclusive use of Misoprostol. In several documents, the National Ministry of Health has recognized pharmacological abortions with Misoprostol; however, they don't guarantee access to such drug, which often stops women from receiving this treatment.

Manufacturing and sale of Mifepristone is banned in Argentina, whereas Misoprostol is currently manufactured and sold in the country. According to the National Drug Administration (Administración Nacional de Medicamentos, ANMAT), the only pharmaceutical companies dealing with Misoprostol are Beta S.A. and Domínguez S.S. The former manufactures Oxaprost, which is for rheumatic pain. The latter manufactures...
Misop 25, which is exclusively used in hospitals. In practice, women looking for a pharmacological legal abortion do not have this option available.

This is why it is pressing that the State includes Misoprostol in the Mandatory Health Plan (Plan Médico Obligatorio, PMO), thus making it mandatory for union and private health providers to provide the drug\(^{86}\).

The Argentine State must guarantee access to Misoprostol for obstetric purposes in cases where women have the right to a legal abortion. It is also paramount that the National Program for Responsible Sexual and Reproductive Health purchases and distributes drugs in the case of a shortage or delay in the availability of supplies to the provinces.

### 6.7. Criminalization of sexual and reproductive rights

Obstacles to legal abortions and the threat of criminalization force women into unsafe abortions.

The criminalization of abortions negatively impacts the access to legal abortions. In his 2011 report, the UN Special Rapporteur on the Right to Health analyzed the impact of laws that punish or impose restrictions on abortion, such as when certain pregnancy behaviors are punished, when there is a limited access to contraceptive methods and family planning, when information is denied or when there is no sexual and reproductive health education. He stated that such restrictions are usually of a discriminatory nature and infringe on one’s right to health by limiting access to quality goods, services and information\(^{87}\). And that "[t]he punishment generates and perpetuates stigma, limits the ability of women to use sexual and reproductive health goods, services and information, denies them full participation in society and distorts the perception of healthcare professionals which, in turn, makes it difficult for women to access healthcare services."\(^{88}\)

In the Province of Tierra del Fuego, a vulnerable young woman faced with a history of violence was finally found innocent after being prosecuted for 6 years for having an abortion with a curer in a working-class neighborhood in the province capital. Lack of access to a legal abortion pushed her into an underground situation, risking her health and her life. She was exposed to criminal prosecution for the exercise of what should have been her right. This is in spite of the minimum obligation of CEDAW State Parties.

\(^{86}\) Recently, the Center for Legal and Social Studies (Centro de Estudios Legales y Sociales, CELS), Lesbians and Feminists for the Decriminalization of Abortion and Nuev\’e Encuentro Gender Secretary in the City of Buenos Aires demanded ANMAT to "lift the marketing restrictions for Misoprostol pills that are not based in health reasons, and that the best possible access is assured according to international human rights standards". CELS, "Misoprostol: we demanded ANMAT recognition of this medication as an obstetric drug and guaranteed access to it", September 22, 2016, available at: http://www.cels.org.ar/comunicacion/?info=detalleDoc&ids=4&lang=es&ss=46&idc=2130

\(^{87}\) The UN Special Rapporteur on the Right to Health, Draft report on the right of every person to enjoy the maximum possible level of physical and mental health, A/66/254, dated August 3, 2011, para. 25

\(^{88}\) Id. UN Special Rapporteur on the Right to Health, 2011, Para. 17
to decriminalize abortions and guarantee access to abortion services for women when their life or health are at risk, when the pregnancy is related to rape or incest, or due to a serious malformation of the fetus.\footnote{89 UN, CEDAW, Final Observations on Senegal, combined third through seventh reports, July 2015, available at http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=606G1d%2FFPPrIQAqkb7hskcAIS%2F0U4wb%2BdVivcG0St5nmctC080LGyHsU3p08y2nYs14crZb9GqNhIt66G75sY01N2ZyG0AzdqMWhw3ZUyg0D%2Fwz2pYg9WkqU6GmsEoQk8C3..90 This victim requested that we use an alias. See more information in http://www.amnistia.org.ar/rau/argentina3; http://www.pagina12.com.ar/diario/suplementos/las12/13-10537-2016-04-29.html; http://www.pagina12.com.ar/diario/sociedad/3-308129-2016-04-29.html}

This year, a case was made public that demonstrates how criminal law can interfere in the sexual and reproductive life of a woman. Belén, a 25 years old female, was under unlawful detention for more than two years in the Province of Tucumán, in the north of Argentina, for a miscarriage she suffered in a public hospital, as is described in her medical records. Both doctors and police officers infringed upon her right to privacy, unfairly accused her and treated her badly.

Early in the morning on March 21, 2014, she went to the ER of Hospital de Clínicas Avellaneda in San Miguel de Tucumán due to abdominal pain. She was referred to the Gynecology Unit for excessive bleeding. Once there, doctors informed her that she had a miscarriage of a 22 week old fetus. Belén was not aware of her pregnancy.

After being badly treated by the health staff, she was reported to the police in a clear violation of the professional standard in a doctor-patient relationship\footnote{89 UN, CEDAW, Final Observations on Senegal, combined third through seventh reports, July 2015, available at http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=606G1d%2FFPPrIQAqkb7hskcAIS%2F0U4wb%2BdVivcG0St5nmctC080LGyHsU3p08y2nYs14crZb9GqNhIt66G75sY01N2ZyG0AzdqMWhw3ZUyg0D%2Fwz2pYg9WkqU6GmsEoQk8C3..90 This victim requested that we use an alias. See more information in http://www.amnistia.org.ar/rau/argentina3; http://www.pagina12.com.ar/diario/suplementos/las12/13-10537-2016-04-29.html; http://www.pagina12.com.ar/diario/sociedad/3-308129-2016-04-29.html}. Belén arrived at the hospital looking for help, and she ended up in prison for two years. First, she was charged with abortion followed by murder, which is a nonexistent criminal charge. Then, the prosecutor changed the charge to doubly aggravated murder, with a sentence of 25 years in confinement.

Belén remained in custody for more than two years. On April 19, 2016, she was sentenced to 8 years in prison. Throughout her legal process, her rights were violated from the beginning, since she was never given a chance to be heard.

WOMEN AND GIRLS HEALTH

Obstacles to legal abortions and the threat of criminalization force women into unsafe abortions.
On May 12, 2016, she was denied a request for release from her defense. On August 15, the Provincial Supreme Court of Justice ordered her release on the grounds that there was no reasons to extend her unlawful detention. However, the review of her sentence is still under study.

In June 2016, the United Nations Human Rights Commission (HRC) asked the State to review the "Belén case" in light of international human rights standards. They asked for her immediate release and for the State to consider the decriminalization of abortion. Some years ago, back in 2012, a woman known as Maria Magdalena arrived in a hospital in that same province in the midst of a miscarriage. Doctors let police officers into the delivery room. She was operated on without anesthetics and was charged for murder using the same logic as Belén's case. The Supreme Court of Justice is currently studying the case in an attempt to investigate the violation of professional standards and violence she suffered.

The fact that women can go to prison just for making these decisions put her rights in danger. This is why Amnesty International has confidence in promoting a serious, informed and committed debate about decriminalization.

As stated by international law, women must never be submitted to criminal proceedings or forced to put their lives or health at risk when it comes to interrupting a pregnancy. It is essential to repeal the legislation that criminalizes women and girls for the sake of requesting or submitting to an abortion.

The criminalization of abortion does not stop women from getting abortions, and forces them to resort to abortions that are risky for their health and life. More restrictive laws do not reduce the abortion rate, but they do increase the risk to the life and health of women. Moreover, the threat of imprisonment blocks women's access to other sexual health services, including access to non-punishable abortions.

On top of denying women and girls their right to health and life, the criminalization of abortion and its restrictions creates a serious public health issue since it makes room for illegal and unsafe abortions, which have been one of the main causes of maternal death for decades.

92 UN, HRC, Final Observations on Argentina, fifth report, paragraph 11 CCPR/C/ARG/CO/5).
93 UN, CEDAW Committee, Final Recommendations on Argentina, 2010. UN Special Rapporteur on the Right to Health, Draft report on the right of every person to enjoy the maximum possible level of physical and mental health, A/66/254, dated August 3, 2011. The Special Rapporteur indicated that the States must avoid employing legal restrictions or criminal laws to regulate public health that are not evidence-based, since they violate the right to health of the affected persons and they are contrary to the purposes they serve.
**Recommendations**

**LEGAL ABORTION**

1. Guarantee legal, safe and accessible abortion in case of rape, or when the woman’s life or health is at risk, according to the internal regulation that was confirmed on the FAL ruling.

2. Include the necessary benefits to cover pregnancy interruptions in cases included in the current law. Treat them as nationwide, basic and mandatory health services, and include evidence-based methods that are effective, safe and preferred for these cases as set forth by WHO.

3. Adopt the necessary measures to include coverage of ILE services in the private health subsystems, and monitor compliance.

4. Implement governance, coordination and subsidiary intervention policies in diverse provincial situations according to ILE policies.

5. Coordinate an appropriate, nationwide implementation through the Federal Human Rights Council.

6. Launch individual and institutional penalties for civil, administrative and criminal acts related to a lack of delivery or non-compliance with ILE services.

7. Train health team members on the value of professional duty of confidentiality while caring for miscarriages or abortions.

8. Guarantee access to quality services, both before and after delivery. Offer safe and accessible post-abortion medical attention, whether the abortion is legal or not.

9. Guarantee availability, adaptability and accessibility to human resources (health professionals, social workers and mental health professionals) as needed to deliver ILE services across the different levels of healthcare across the country.

10. Guarantee the availability of therapeutic options, including: AMEU, Misoprostol, Mifepristone and professional pain management services.

11. ANMAT approval of Misoprostol and Mifepristone for ILE.

12. Purchase supplies by from the National Program for Responsible Sexual and Reproductive Health for distribution in case of shortage or delay in the availability of supplies to the provinces.

13. Generate a consultation record policy about legal abortion and the nationwide delivery of legal abortion services. Generate both aggregate and current information about access to ILE.


15. Promote a serious and informed debate about the decriminalization of abortion in line with international human rights standards.
COMPREHENSIVE SEXUAL EDUCATION

1. Advice and educate every health professional and teacher on sexual and reproductive health services, including every family planning method.

2. Guarantee the nationwide implementation of the comprehensive sexual education law through a province monitoring system. Articulate strategies through the Federal Education Council.

3. As part of the active transparency principle, assure the implementation of a monitoring and tracking mechanism for ESI budget spending.

4. Guarantee access to quality information and sexual and reproductive health services that are preventive, comprehensive, friendly and confidential for boys, girls, teenagers and youth.

5. Implementation of a collaborative mechanism so that youth can be involved in the development of public policy affecting them.
2015 marked the 30th anniversary of the approval of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture, or CAT) and its regional counterpart, the Inter-American Convention to Prevent and Punish Torture. In spite of massive approval of CAT and the strong reception of these principles in Argentina’s national legal framework, torture reports persist.

Amnesty International receives information about law enforcement torture and maltreatment practices, both in detention centers and during arrests. However, investigations and prosecutions are seldom carried out.

In March 2015, torture rates in the Provinces of Buenos Aires, Santa Fe and Chubut were reported to the Inter-American Human Rights Commission’s in a Hearing on Citizen Security and Torture. Records from these three jurisdictions have many reports of abusive force, torture and maltreatment during arrests in public spaces. Among others, the electric prod, dry drowning and water boarding are still used as torture mechanisms. It is worth mentioning that the use and abuse of isolation is a common punishment. Prisoners are often transferred to "mail boxes" (isolation cells) where there is a restriction to basic services and confinement is absolute. Violence from prison wardens reaches one of its peak moments during cell block detentions.

Amnesty International also received reports of unlawful detentions and poor safety conditions in several cell blocks and detention centers in the Province of Mendoza, including Mendoza Provincial Penitentiary (Boulogne Sur Mer), 3rd. Penitentiary Compound (Almafuerte), San Felipe Compound and El Borbollón.

96 Office of Criminal Appeals in Cassation of the Province of Buenos Aires, second and third quarterly reports, 2014 (available at); Office of Advocacy of Chubut; Report on Torture cases and Other Cruel, Inhuman or Degrading Treatment or Punishment (September 2004 - February 2015 and appendixes); Office of Advocacy of Santa Fe (SPPDP); Preliminary report on torture and police abuse. November 1, 2013 through December 15, 2014.
In July 2016, the United Nations Committee on Human Rights expressed its concern about "takes note with concern of the institutional violence present in prisons, which is reflected in the high number of cases of torture and ill-treatment of persons deprived of their liberty. This includes violence that is attributable to the existence of a system of prison self-governance and to the limited number of convictions of those responsible for acts of violence and the light penalties which they receive".

Amnesty also witnessed high rates of torture impunity based on victims and witnesses' fear of retaliation, which resulted in an almost no investigations or punishments for those responsible. Given this paradigmatic and alarming scenario, the implementation of torture and maltreatment protection systems for victims and witnesses is essential for those seeking justice. Victims should be able to report such events without risking their life or integrity.

Even though progress was made in the approval and regulation of a nationwide Torture Prevention Mechanism, Amnesty International is concerned about the amount of time it is taking to come into effect. In response, efforts were made to create torture prevention mechanisms at the local level. The Human Rights Committee has echoed this request in their Final Observations dated July 2016 and indicated that "despite the adoption of the National Preventive Mechanism Act (Act No. 26.827) in 2012, that mechanism has not yet been implemented (art. 7)". This mechanism would be a core tool to monitor and control unlawful detentions and torture prevention.

Amnesty International witnessed obstacles and restrictions from the National Penitentiary Attorney's Office, who resisted overseeing and monitoring the Juvenile Correction Facilities where kids and youth were staying in 2015. Even though the Supreme Court of Justice put a stop to this issue in 2016, transparency and openness are essential in prisons to avoid violence and torture. The death of a teenager locked in a confinement cell at Instituto Luis Agote demonstrated the need for independent institutions to perform regular and unexpected inspections to verify detention conditions in Juvenile Correction Facilities, as established in the Convention against Torture Enforcing Protocol. In order to avoid bad detention conditions, overpopulation and overcrowding, poor security conditions, torture and inhuman treatments, lack of access to health, food, drinking water and appropriate health conditions, it is essential that prisons are systematically inspected by independent institutions.

98 UN, HRC, Final observations on Argentina, July 2016 CCPR/C/ARG/CO/R.5
101 In the last few years, provinces like Chaco, Rio Negro and Mendoza approved specific legislation for the creation of local prevention mechanisms.
102 UN, HRC, Final observations on Argentina, July 2016 CCPR/C/ARG/CO/R.5 (para. 13)
Generation and access to information is key for public policy work. In spite of efforts and initiatives by defenders and local organizations, as well as warnings from several United Nations Committees on Argentina, there is no nationwide record system of facts and reports on torture. Even the National Mechanism of Torture Prevention (MNPT), where information from the different jurisdictions (judges, prosecutors and defenders) is compiled, does not accurately show the true, nationwide problem.

103 UN, HRC, Final observations on Argentina, July 2016 CCPR/C/ARG/CO/R.5 (para. 14), "Even though the Committee notes down the creation of the National Register against Torture in 2014, it regrets that a nationwide unified system of torture and victims records still does not exist".
Recommendations

1. Nationwide implementation of MNPT; promote the creation of local mechanisms in the provinces following OP-CAT standards; strengthen existing mechanisms.

2. Create or strengthen of safeguards for torture victims and witnesses in order to protect those who dare to report these incidents.

3. Pursue independent legal, speedy and thorough investigations nationwide for the reported cases of institutional violence, as indicated by the Protocol of Istanbul and other international human rights standards.

4. Create a nationwide system to log torture and victim's records within the MNPT, so that information is compiled from the different jurisdictions (including form judges, prosecutors and defenders).
8.1. Last military dictatorship

More than 15 years after the Full Stop Law and Due Obedience Law in Argentina were first declared unconstitutional of, and more than 10 years after the first public trial, prosecution of the human rights violations that occurred during the last military dictatorship are still being consolidated.

According to information collected by the Prosecutor’s Office of Crimes against Humanity, there were 173 sentences between 2006 and December 2016, adding up to a total of 733 sentences. However, there are still persisting challenges due to the complexities of the persons involved in the process. Two outstanding issues that were identified were the disorganization of cases, and the court’s work with witnesses. In addition, new challenges have arisen, such as the participation of civilians in the dictatorship and the prosecution of crimes against sexual integrity that occurred during the dictatorship.

In July 2016, the United Nations Committee on Human Rights stated its own concern about these issues in the fifth report of its Final Observations on Argentina. In this sense, it expressed the same as in 2010 about “the slow pace of the investigations of human rights violations and of the corresponding trials and issuance of verdicts, which is due in part to a failure to set up special courts and the infrequency with which hearings are held”. Also, it regretted the obstacles in the investigation of crimes against workers during the dictatorship, and the fact that the Bicameral Commission on the Identification of Economic Collusion during the military has not yet been set up.

UNHRC recommended Argentina “step up its efforts to investigate all the human rights violations committed in the past, including crimes committed by the owners and/or staff of companies that are suspected of having been involved in the commission of crimes against humanity”. This year, the United Nations Committee on Human Rights “observe[d] with concern(…) that recent downsizing measures and institutional changes have been implemented in areas related to human rights protection, particularly with regard to institutions involved in the quest for remembrance, truth and justice (art. 2)”.

The Committee concluded that “[t]he State Party must assure that the authorities thoroughly investigate cases of disappearances, killings and the suspected intimidation of witnesses.”
8.2. AMIA

More than 20 years have passed since the AMIA bombing, and the obligation of the Argentine State to clear up the attack and deliver justice and compensation to the victims is still intact.

International law imposes the commitment to prosecute the authors of the attack that caused 85 deaths, their accomplices and those who worked to alter the course of the legal investigation.

During the time since the attack, government officials of the highest rank, including former President Carlos Menem, have committed a long list of crimes with the objective of concealing the truth. This was revealed in the oral trial that ended in 2004 with the annulment and subsequent absolution of those accused of being part of the so called "local connection" to perpetrate the attack. These incidents are under investigation from a court that partially finished the pre-trial proceedings, and referred them to an oral trial court in 2012. The configuration of the Oral Trial Court to proceed with the cover up trial took seven years because several judges repeatedly excused their participation. The trial finally started in August 2015, and it is still pending.

The main legal case investigating the attack has been at a standstill since the judge ordered the capture and extradition of eight Iranian citizens and one Lebanese citizen in 2006 to interrogate them as suspects. Five out of these nine capture orders are still valid, marked with a "red alert" from Interpol. However, if those five individuals are in Iran, Iran refuses to comply with the request of the Argentine courts.

In December 2015, the new government replaced the AMIA Investigation Unit with a Secretary within the Ministry of Justice and Human Rights, and broadened its responsibilities to include the investigation of Prosecutor Nisman’s death.

In August 2016, 22 years after the AMIA attack, the AMIA Investigative Prosecutor Unit (Unidad Fiscal de Investigación, UFI) identified the last victim of the attack. He was recognized as Augusto Daniel Jesús.

This year, the United Nations Committee on Human Rights requested that the Argentine State "increase the investigation efforts to explain the 1994 attack to the AMIA building and hold every responsible individual to prosecution. Also, the State must take the necessary measures to guarantee that the investigation is carried over in a fast, effective, independent, fair-minded and transparent way."111

111 UN, HRC, Final observations on Argentina, CCPR/C/ARG/CO/5/24580/S, Para. 30.
Recommendations

LAST MILITARY DICTATORSHIP

1. Continue with efforts to prosecute the individuals responsible of human rights violations during the military dictatorship without unnecessary delays.

2. Protect the physical security and integrity of witnesses and defenders in those trials, guaranteeing that the authorities fully apply the effective protection measures.

3. Strengthen the institutions assigned to the memory, truth and justice process, guaranteeing resources and the participation of the civil society.

AMIA

1. Guarantee the right to truth, justice and compensation for victims and their relatives.

2. Continue efforts to support the oral and public trial of the individuals responsible for covering up the investigation of the attack with unnecessary delays.
Since its return to democracy, the Argentine State has been supporting the strengthening of international bodies that protect human rights through different actions, both at the regional and global levels, and has integrated new international human rights instruments into the legal framework of the country.

The country actively participated in the proposal of independent experts to fill vacancies in different organizations and committees within the Organization of American States (OAS), the United South American Nations (Unión de Naciones Sudamericanas, UNASUR) and the United Nations. Also, Argentina was part of the United Nations Human Rights Council, the United Nations Security Council, the Committee for the Protection of All Persons from Enforced Disappearance, the Human Rights Committee, the Committee on Rights of Migrant Workers, the Committee on the Elimination of Racial Discrimination, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, among others, as well as in different rapporteurships, discussion groups and task forces.

On the other hand, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, the additional protocol of the Convention on the Rights of the Child surrounding child trafficking, child prostitution and the use of children in pornography and the additional protocol of the American Convention on Human Rights about economic, social and cultural rights, were incorporated into the country’s legal framework. Argentina also entered into a cooperation agreement with the United Nations for the preparation of a national plan against discrimination in line with the Durban World Conference, and the “open doors policy” was reinforced in every UN non-conventional control mechanism on several human rights issues.

In 2004, Argentina executed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Enforcing Protocol with the United Nations Sub-Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and approved the creation of a National System Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Law 26827) together with the creation of the National Preventive Mechanism (NPM) proposed in the Enforcing Protocol.

Argentina also played a fundamental role at the regional level in UNASUR with the approval of the Additional Protocol to the Constitutive Treaty of the Union of South American Nations on Commitment to Democracy (2010), which is supplementary to the Ushuaia Protocol (1998) executed in Mercosur and the Democratic Chart (2001) executed in OAS.

Early this year, the Argentine State launched the Sustainable Development Objectives (SDO) agenda at a public event. Some months ago, Argentina announced its willingness to launch the first progress report of SDO in 2017.
During the first half of 2016, the Inter-American Commission on Human Rights announced that a serious financial crisis affected its normal operation. Thanks to the response of member countries and other donors, IACHR announced in October 2016 that the crisis was over. Argentina announced a total annual contribution of 400,000 USD, the second biggest contributor after the United States of America.

As a consequence of the confirmation of the international treaties, Argentina accepted being subject to regular assessments by the so called "treaty organizations" to ensure its compliance with these international instruments. This last year, Argentina was subject to scrutiny from the United Nations Committee on Human Rights, the United Nations Committee on the Elimination of Women Discrimination and the United Nations Committee on the Elimination of Racial Discrimination. All of these organizations recognized the Argentine State for participating in the reporting procedures, and for submitting reports with written and oral answers to the issues suggested by every Committee. As we have already explained, the United Nations Committees have shared many of the same concerns as Amnesty International.

Today, Argentina is being questioned by the Working Group on Arbitrary Detention, the Inter-American Commission on Human Rights, the Organization of American States and State Parties about the arbitrary detention of Milagro Sala. Each time Argentina has faced an international organization, it was held accountable for the pre-trial detention of Sala. Failure to comply with the United Nations decision would mean a setback in the historical leadership, in terms of human rights, and would compromise once more the international responsibility of the country.
FOREIGN POLICY ON HUMAN RIGHTS

Recommendations

CONFIRMATION AND IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

1. Nationwide and comprehensive implementation of the obligations assumed by Argentina through the confirmation of international human rights instruments.

2. Guarantee that human rights receive the same protections and are equally applied throughout the territory, both at the federal and provincial levels.


STRENGTHENING OF THE UNIVERSAL AND REGIONAL HUMAN RIGHTS SYSTEMS

1. In order to be consistent with its human rights policy, Argentina must make the regular commitment to fund for the strengthening of the universal and regional human rights systems (UN and OAS) a state policy.

COOPERATION WITH SPECIAL PROCEEDINGS, TREATY ORGANIZATIONS AND INTERNATIONAL COURTS

1. Comprehensive and systematic implementation of recommendations and observations received from special proceedings and treaty organizations.

2. Full compliance with the decisions of international human rights organizations in individual reporting proceedings.

3. Compliance with the commitments of the universal regular review; implementation of the observations originated in the regular exam; and active participation in the system for the proposal and promotion of human rights.
FOREIGN POLICY ON HUMAN RIGHTS

Recendaciones

INTERNATIONAL PROMOTION OF HUMAN RIGHTS STANDARDS

1. Channel resources and make a serious commitment with the sustainable development agenda and its objective of taking thousands of millions out of poverty and exclusion, while, at the same time, making human rights effective, protecting the environment and creating a fair and equitable world.

2. Promote a comprehensive human rights approach in the implementation process of the Sustainable Development Objectives (SDO).

3. Guarantee an effective monitoring and accountability system for the progress of sustainable development (SDO) in all the countries.

ARGENTINA IN INTERNATIONAL AND REGIONAL ORGANIZATIONS

1. Continue leading human rights policies and proactively encourage proposals to promote, protect, respect and comply with human rights worldwide in the United Nations, the World Bank, the International Monetary Fund, the Organization of American States, the United South American Nations (UNASUR) and the Southern Common Market (MERCOSUR), etc.

2. Guarantee and promote consistency in the contributions of Argentina for the development of new human rights standards at the international level, and the design and implementation of public policies at the local level.
2017
HUMAN RIGHTS
AGENDA FOR ARGENTINA

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